



# Mines Act (Northern Ireland) 1969

## 1969 CHAPTER 6

An Act to make fresh provision with respect to the management and control of mines and for securing the safety, health and welfare of persons employed thereat; to regulate the employment thereat of women and of young persons and certain other persons under the age of twenty-one years; to enable certain tips to be regulated and to require the fencing of abandoned and disused mines; to amend the Quarries Act (Northern Ireland) 1927; and for purposes connected with the matters aforesaid. [24th June 1969]

### PART I

#### GENERAL DUTIES OF MINE OWNERS

##### <sup>F1</sup> 1 General duties of mine owners.

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### PART II

#### MANAGEMENT AND CONTROL

#### MANAGERS AND UNDER-MANAGERS

##### <sup>F1</sup> 2 Appointment, and general duties and powers, of mine managers.

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*Status: Point in time view as at 01/02/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)*

**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>3 Rights of mine manager with respect to instructions given by or on behalf of owner.**

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>4 Qualifications of mine managers.**

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>5 Limitation on number of mines which a person may manage.**

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>6 Under-managers.**

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>7 Temporary appointments during vacancy in office of mine manager or under-manager.**

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>8 Daily supervision by mine managers and under-managers.**

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*Status: Point in time view as at 01/02/2017.*

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**<sup>F1</sup>9 Charge of mine when neither manager nor under-manager nor substitute is present.**

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**F1** [Ss. 1-20](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>10 Duties of mine managers with respect to reading of reports, &c.**

.....

**F1** [Ss. 1-20](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

SURVEYORS

**<sup>F1</sup>11 Surveyors.**

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**F1** [Ss. 1-20](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

OFFICIALS AND TECHNICIANS

**<sup>F1</sup>12 Deputies.**

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**F1** [Ss. 1-20](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>13 Other officials, engineers, technicians, &c.**

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**F1** [Ss. 1-20](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

**<sup>F1</sup>14 Duty of mine manager to ensure that persons appointed by him understand their duties.**

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*Status: Point in time view as at 01/02/2017.*

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## PROVISIONS ANCILLARY TO FOREGOING SECTIONS

### **<sup>F1</sup>15 Notification to Ministry of appointments by mine owners.**

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F1</sup>16 Disqualification of contractors and their employees for appointment as managers, &c., of mines.**

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**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## PLANS

### **<sup>F1</sup>17 Keeping of plans.**

.....

**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F1</sup>18 Furnishing of documents and information requisite for preparation of plans.**

.....

**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F1</sup>19 Faulty plans.**

.....

**F1** Ss. 1-20 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*Status: Point in time view as at 01/02/2017.*

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**F<sup>1</sup>20      Transmission to Ministry, and preservation, of plans of abandoned or disused mines, seams and veins.**

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**F1**    [Ss. 1-20](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

*S.21 rep. by SR 1980/333*

**PART III**

**SAFETY, HEALTH AND WELFARE**

**PROVISIONS FOR SECURING SAFE INGRESS AND EGRESS**

*Ss. 22-25 rep. by SR 1998/375*

*Ss. 26, 27 rep. by SR 1980/333*

**F<sup>2</sup>28      Provision of winding and haulage apparatus.**

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**F2**    [S. 28](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

*S.29 rep. by SR 1980/333*

**SAFETY PRECAUTIONS IN CONNECTION WITH SHAFTS,  
&C., AND ENTRANCES TO DISUSED WORKINGS**

**F<sup>3</sup>30      Securing of shafts and staple-pits.**

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**F3**    [S. 30](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

**F<sup>4</sup>31      Safety precautions with respect to entrances to shafts, staple-pits and outlets.**

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**F4**    [S. 31](#) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

*Status: Point in time view as at 01/02/2017.*

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*S.32 rep. by SR 1980/333*

*Ss. 33-35 rep. by SR 1998/375*

**<sup>F5</sup>36 Prohibition of use of vehicles and conveyors in roads not affording free movement.**

.....

**F5** S. 36 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F6</sup>37 Transport rules.**

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**F6** S. 37 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.38 rep by SR 1980/333*

**<sup>F7</sup>39 Provisions for securing safety of foot-passengers in transport roads.**

.....

**F7** Ss. 39-46 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F7</sup>40 Provision of refuge holes.**

.....

**F7** Ss. 39-46 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F7</sup>41 Safety measures relating to use of vehicles.**

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**F7** Ss. 39-46 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

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## PROVISIONS FOR SECURING SAFE OPERATION OF WINDING AND ROPE HAULAGE APPARATUS AND CONVEYORS

### **<sup>F7</sup>42 Charge of winding and rope haulage apparatus when persons are carried.**

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**F7** Ss. 39-46 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F7</sup>43 Charge of winding and rope haulage apparatus when persons are not carried.**

.....

**F7** Ss. 39-46 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F7</sup>44 Charge of conveyors at working faces.**

.....

**F7** Ss. 39-46 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F7</sup>45 Signalling in shafts and outlets.**

.....

**F7** Ss. 39-46 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F7</sup>46 Signalling in roads.**

.....

**F7** Ss. 39-46 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.47 rep. by SR 1980/333*

## SUPPORT

### **<sup>F8</sup>48 Duty to secure safety of roads and working places.**

.....

*Status: Point in time view as at 01/02/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)*

**F8** S. 48 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F9</sup>49 Systematic support in coal, shale and fireclay mines.**

.....

**F9** S. 49 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.50 rep. by SR 1980/333*

**<sup>F10</sup>51 Supply of materials for support.**

.....

**F10** Ss. 51-56 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F10</sup>52 Withdrawal of support.**

.....

**F10** Ss. 51-56 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F10</sup>53 Duties of deputies in relation to support.**

.....

**F10** Ss. 51-56 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F10</sup>54 Provisions as to support rules.**

.....

**F10** Ss. 51-56 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## VENTILATION

**<sup>F10</sup>55 Duty to provide adequate ventilation.**

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*Status: Point in time view as at 01/02/2017.*

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**F10** Ss. 51-56 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F10</sup>56 Avoidance of danger from gas in waste.**

.....

**F10** Ss. 51-56 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.57 rep. by SR 1980/333*

**<sup>F11</sup>58 Provisions as to means of ventilation.**

.....

**F11** Ss. 58-62 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F11</sup>59 Prevention of leakage of air between airways.**

.....

**F11** Ss. 58-62 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F11</sup>60 Provision of barometers and other measuring instruments.**

.....

**F11** Ss. 58-62 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

LIGHTING, LAMPS AND CONTRABAND

**<sup>F11</sup>61 Lighting.**

.....

**F11** Ss. 58-62 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F11</sup>62 Permitted lights.**

.....

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**F11** Ss. 58-62 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.63 rep. by SR 1980/333*

**F12 64** **Prohibition of taking into mines safety-lamps not provided by owner or of approved type.**

.....

**F12** Ss. 64-67 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**F12 65** **Offences relating to safety-lamps.**

.....

**F12** Ss. 64-67 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**F12 66** **Prohibition of possession of smoking materials in certain mines and parts of mines.**

.....

**F12** Ss. 64-67 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**F12 67** **Prohibition of taking into certain mines and parts of mines of articles producing flames or sparks.**

.....

**F12** Ss. 64-67 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.68 rep. by SR 1980/333*

## BLASTING MATERIALS AND DEVICES

**F13 69** **Blasting materials and devices.**

.....

**F13** S. 69 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

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## FIRE PRECAUTIONS AND PROVISIONS AS TO RESCUE

*S. 70 rep. by SR 1998/375*

*Ss. 71, 72 rep. by SR 1980/333*

### **F1473 Means of escape from rooms in which there is special risk of fire, &c.**

.....

**F14** Ss. 73-77 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## DUST PRECAUTIONS

### **F1474 Dust precautions.**

.....

**F14** Ss. 73-77 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## PRECAUTIONS AGAINST EXTERNAL DANGERS TO WORKINGS

### **F1475 Duty of mine owners and managers to seek evidence of proximity of disused workings, water-bearing strata, &c.**

.....

**F14** Ss. 73-77 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **F1476 Duty of mine owners and managers to ascertain thickness of strata between workings and surface water.**

.....

**F14** Ss. 73-77 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **F1477 General duty to take precautions against intrushes of gas, water, &c.**

.....

*Status: Point in time view as at 01/02/2017.*

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**F14** Ss. 73-77 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.78 rep. by SR 1980/333*

## DUTIES OF OFFICIALS AND WORKMEN IN CASES OF DANGER

### **<sup>F15</sup>79 Withdrawal of workmen in cases of danger.**

.....

**F15** S. 79 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F16</sup>80 Duty of workmen to deal with, or report, danger.**

.....

**F16** S. 80 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## MACHINERY AND APPARATUS

*S. 81(1) rep. by SR 1993/19; subs. (2) rep. by SR 1980/333*

*S. 82 rep. by SR 1993/19*

### **<sup>F17</sup>83 Restrictions on use below ground of certain engines, &c.**

.....

**F17** S. 83 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **<sup>F18</sup>84 Air, gas and steam containers.**

.....

**F18** S. 84 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S. 85 rep. by SR 1999/304*

*Status: Point in time view as at 01/02/2017.*

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## BUILDINGS, STRUCTURES, MEANS OF ACCESS, &C.

### **F1986 Buildings and structures to be kept safe.**

.....

**F19** Ss. 86-91 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **F1987 Safe means of access and safe means of employment.**

.....

**F19** Ss. 86-91 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## TRAINING AND DISCIPLINE

### **F1988 Restriction on doing of work by unskilled persons.**

.....

**F19** Ss. 86-91 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **F1989 Penalization of failure to observe safety directions, &c.**

.....

**F19** Ss. 86-91 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **F1990 Penalization of negligent acts or omissions and unauthorised removal, &c., of articles.**

.....

**F19** Ss. 86-91 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

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## FIRST-AID

### **F1991 First-aid.**

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**F19** Ss. 86-91 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## MEDICAL EXAMINATIONS AND PROHIBITION OF HEAVY WORK

*S.92 rep. by SR 1980/333*

*S. 93 rep. by SR 1992/535*

## GENERAL WELFARE PROVISIONS

### **F2094 Sanitary conveniences**

.....

**F20** S. 94 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **F2195 Measures against vermin and insects.**

.....

**F21** S. 95 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.96 rep. by SR 1980/333*

### **F2297 Supply of drinking water.**

.....

**F22** S. 97 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND DISEASES

*Ss. 98,99 rep. by SR 1981/339*

*Ss. 100,101 rep. by SR 1980/333*

*Status: Point in time view as at 01/02/2017.*

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*S. 102 rep. by SR 1981/339*

*Ss. 103,104 rep. by SR 1980/333*

## PART V

### WORKMEN'S INSPECTIONS

<sup>F23</sup>**105 Inspections of mines on behalf of workmen employed thereat.**

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**F23** S. 105 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

*S. 106(1),(2) rep. by 1990 NI 2; subs. (3) rep. by SR 1980/333*

*S. 107 rep. by SR 1980/333*

*S. 108-111 rep. by 1990 NI 2*

## PART VII

### RECORDS, RETURNS AND INFORMATION

<sup>F24</sup>**112 Form of official books and preservation and inspection of entries therein.**

.....

**F24** Ss. 112-116 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

<sup>F24</sup>**113 Records of certain appointments.**

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**F24** Ss. 112-116 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

<sup>F24</sup>**114 Provision of copies of this Act and other instruments.**

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**F24** Ss. 112-116 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016](#) (S.R. 2016/427), reg. 1(2), [Sch. 3](#)

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*Status: Point in time view as at 01/02/2017.*

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**<sup>F24</sup>115 Posting of notices.**

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**F24** Ss. 112-116 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F24</sup>116 Furnishing to workers of information with respect to this Act and orders and regulations thereunder.**

.....

**F24** Ss. 112-116 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.117 rep. by SR 1980/333*

**<sup>F25</sup>118 Notification of beginning and ending of certain mining operations.**

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**F25** S. 118 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**<sup>F26</sup>119 Notification of change of ownership or name of mine.**

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**F26** S. 119 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

## PART VIII

### REGULATIONS

**120 Regulations.**

*Subs.(1)#(4) rep. by SR 1980/333*

**<sup>F27</sup>(5)** .....

**F27** S. 120(5) repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.121 rep. by SR 1980/333*



*Status: Point in time view as at 01/02/2017.*

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**F28 122 Variation, revocation, &c., of regulations.**

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**F28** S. 122 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*Part IX (ss.123#125) rep. by 1974 NI 6; SR 1980/333*

**PART X**

**GRANT, CANCELLATION AND SUSPENSION OF CERTIFICATES**

**F29 126 Grant of certificates.**

.....

**F29** Ss. 126-128 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**F29 127 Cancellation or suspension of certificates.**

.....

**F29** Ss. 126-128 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**PART XI**

**REGULATION OF TIPS AND FENCING OF ABANDONED AND DISUSED MINES**

**F29 128 Regulation of tips.**

.....

**F29** Ss. 126-128 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**129 Fencing of abandoned and disused mines.**

- (1) It shall be the duty of the owner of every abandoned mine and of every mine which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months to secure that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier, plug or other device so designed and constructed as to prevent any person from accidentally falling down the shaft or from accidentally entering the outlet and that every device so provided is properly maintained; but this subsection shall not apply to mines which have not been worked

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*Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)*

for the purpose of getting minerals or products thereof since 9th August, 1872, being mines other than of coal, stratified ironstone, shale or fireclay.

- (2) For the purposes of [<sup>F30</sup>Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011], each of the following shall be deemed to be a [<sup>F31</sup>statutory nuisance] liable to be dealt with summarily in manner provided by [<sup>F32</sup>that Part], that is to say:—

- (a) a shaft or outlet of an abandoned mine (other than a mine excepted from the application of subsection (1)) or of a mine (other than as aforesaid) which, notwithstanding that it has not been abandoned, has not been worked for a period of twelve months, being a shaft or outlet the surface entrance to which is not provided with a properly maintained device such as is mentioned in that subsection;
- (b) a shaft or outlet of a mine excepted from the application of subsection (1), being a shaft or outlet with respect to which the following conditions are satisfied, namely,—
  - (i) that its surface entrance is not provided with a properly maintained device such as is mentioned in that subsection; and
  - (ii) that, by reason of its accessibility from a highway or a place of public resort, it constitutes a danger to members of the public.

- (3) Any expenses incurred, by reason of the operation of [<sup>F33</sup>Part 7 of the Clean Neighbourhoods and Environment Act (Northern Ireland) 2011], by a person other than the owner (as defined for the purposes of this Act) of a mine for the purpose of abating, or preventing the recurrence of, a nuisance under subsection (2) or in reimbursing a sanitary authority<sup>F34</sup> in respect of the abatement, or prevention of the recurrence, of such a nuisance shall, subject to any agreement to the contrary, be recoverable by that person from the owner (as so defined) of the mine.

- |            |  |
|------------|--|
| <b>F30</b> | Words in s. 129(2) substituted (1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 8(a)(i)</a> ; S.R. 2012/13, art. 2(2), Sch. 2   |
| <b>F31</b> | Words in s. 129(2) substituted (1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 8(a)(ii)</a> ; S.R. 2012/13, art. 2(2), Sch. 2  |
| <b>F32</b> | Words in s. 129(2) substituted (1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 8(a)(iii)</a> ; S.R. 2012/13, art. 2(2), Sch. 2 |
| <b>F33</b> | Words in s. 129(3) substituted (1.4.2012) by <a href="#">Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, Sch. 3 para. 8(b)</a> ; S.R. 2012/13, art. 2(2), Sch. 2      |
| <b>F34</b> | 1878 c.52 by SRO (NI) 1973/285   |

## PART XII

### OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

#### 130 Offences.

- (1) In the event of a contravention, in relation to a mine, of—
- (a) a provision of this Act, of an order made thereunder or of regulations, not being a provision which expressly provides that a person is to be guilty of an offence; or

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- (b) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by<sup>F35</sup> the Executive] or an inspector; or
- (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by<sup>F35</sup> the Executive];
- <sup>F36</sup>(d) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines, any class of mine to which the mine belongs or the mine;]

each of the following persons shall, subject to the following provisions of this Act, be guilty of an offence, namely, the owner of the mine, any person to whom written instructions have been given by the owner in pursuance of section 1 specifying as, or including amongst, the matters with respect to which that person is charged with securing the fulfilment in relation to the mine of statutory responsibilities of the owner, matters of the class to which the provision, direction, prohibition, restriction, requirement or condition relates, the manager of the mine, any person who is for the time being treated for the purposes of this Act as the manager, every under-manager of the mine and any person who is for the time being treated for the purposes of this Act as an under-manager thereof.

- (2) In the event of a contravention, in relation to a mine, by a person other than one mentioned in subsection (1), of such a provision as is mentioned in paragraph (a) of that subsection, [<sup>F37</sup> or such a requirement or prohibition as is mentioned in paragraph (d) of that subsection, whereby there is expressly imposed on that person or on persons of a class to which he belongs a duty or requirement or he or persons of a class to which he belongs or all persons are expressly prohibited] from doing a specified act, the person who contravened that provision, as well as the persons mentioned in subsection (1), shall be guilty of an offence.
- (3) Neither the manager of a mine as such nor a person who is for the time being treated for the purposes of this Act as the manager of a mine, nor an under-manager of a mine, nor a person who is for the time being treated for the purposes of this Act as such an under-manager shall, by virtue of subsection (1), be guilty of an offence by reason of a contravention by the owner of the mine of—
  - (a) any provision of this Act, of an order made thereunder or of regulations, being a provision which expressly imposes on the owner of the mine a duty or requirement or a prohibition; or
  - (b) any prohibition, restriction or requirement which, by virtue of a notice served under or by virtue of this Act by<sup>F35</sup> the Executive] or an inspector, is expressly imposed on the owner of the mine; [<sup>F36</sup> or
  - (c) any requirement or prohibition expressly imposed by or under such health and safety regulations as are mentioned in paragraph (d) of subsection (1) of this section on the owner of the mine;]or of a contravention of section 3.

**F35** SR 1999/150

**F36** SR 1980/333

**F37** SR 1980/333

*Status: Point in time view as at 01/02/2017.*

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### **131 Supplementary provisions as to offences.**

- (1) Without prejudice to the operation of section 8 of the Accessories and Abettors Act 1861 and<sup>F38</sup> Article 59 of the Magistrates' Courts (Northern Ireland) Order 1981], any person who induces or procures, or consents to or connives at, the commission of an offence under this Act, shall be guilty of an offence.
- (2) If any persons are employed at a mine otherwise than in accordance with the provisions of this Act, orders made thereunder and regulations, there shall be deemed to be a separate contravention in respect of each person so employed.
- (3) If a person acts as manager of a mine in contravention of the provisions of subsection (1) of section 5, of any condition attached to an approval granted under that subsection or of a direction given by a notice served under subsection (2) of that section, there shall be deemed to be a separate contravention in relation to each mine as manager of which he acts.

**F38** 1981 NI 26

### **<sup>F39</sup>132 Working, &c., of horses in parts of mine below ground.**

.....

**F39** S. 132 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

### **133 Penalty for offences for which no express penalty is provided.**

- (1) A person guilty of an offence under [<sup>F40</sup> section 129(1) of] this Act ...<sup>F41</sup> shall be liable—
  - (a) if he is the owner of a mine, a person to whom instructions have been given by the owner of a mine in pursuance of section 1, the manager of a mine, a person who is for the time being treated for the purposes of this Act as the manager of a mine, an under-manager of a mine, a person who is for the time being treated for the purposes of this Act as such an under-manager or the surveyor for a mine, to a fine not exceeding two hundred pounds; and
  - (b) if not, to a fine not exceeding twenty pounds;
- (2) Where a person is convicted of an offence under [<sup>F40</sup> section 129(1) of] this Act and the contravention in respect of which he was convicted is continued after the conviction, he shall be guilty of a further offence and shall be liable, in addition to any other penalty, to a fine not exceeding five pounds for each day on which the contravention is so continued.
- (3) Where the court by which a person is convicted of any such offence as aforesaid is satisfied that the contravention in respect of which he is convicted—
  - (a) was likely to cause the death of, or serious bodily injury to, a person employed at the mine in relation to which the contravention occurred or a dangerous accident; or
  - (b) was likely to endanger the safety of any such person;

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the court may impose upon the person convicted (either in addition to, or in substitution for, a fine) imprisonment for a term not exceeding three months.

**F40** SR 1980/333

**F41** SR 1980/333

### **134 Defence available to person charged with offence not committed personally.**

In any proceedings under this Act which, by virtue of section 130(1), are taken against a person in respect of the contravention by a person other than himself of—

- (a) a provision of the Act, of an order made thereunder or of regulations, being a provision which expressly imposes on that other person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibits him or persons of such a class or all persons from doing a specified act; or
- (b) a prohibition, restriction or requirement which by virtue of a notice served under or by virtue of this Act by<sup>F42</sup> the Executive] or an inspector is expressly imposed on that other person; <sup>F43</sup> or
- (c) a requirement or prohibition imposed by or under health and safety regulations which expressly apply to all mines, any class of mine or a particular mine being a requirement expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, or a prohibition expressly imposed on him or on persons of such class or on all persons from doing a specified act;]

it shall be a defence for the person charged to prove that he used all due diligence to secure compliance with the provision, prohibition, restriction or requirement, as the case may be.

**F42** SR 1999/150

**F43** SR 1980/333

### **135 Persons not to be under liability for contraventions which it was impracticable to avoid or prevent.**

It shall be a defence in any legal proceedings to recover damages and in any prosecution, in so far as the proceedings or prosecution are or is based on an allegation of a contravention, in relation to a mine, of—

- (a) a provision of this Act, of an order made thereunder or of regulations (not being a provision which expressly provides that a person is to be guilty of an offence); or
- (b) a direction, prohibition, restriction, or requirement given or imposed by a notice served under or by virtue of this Act by<sup>F44</sup> the Executive] or an inspector; or
- (c) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by<sup>F44</sup> the Executive]; <sup>F45</sup> or
- (d) a requirement or prohibition imposed by or under such health and safety regulations as are mentioned in subsection (1)(d) of section 130 of this Act;]

to prove that it was impracticable to avoid or prevent the contravention.

*Status: Point in time view as at 01/02/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)*

**F44** SR 1999/150

**F45** SR 1980/333

**<sup>F46</sup>136 Special defence available to mine under-managers with limited jurisdiction.**

.....

**F46** S. 136 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

**137 Liability of owners for breaches of statutory duty by their servants.**

For the removal of doubts it is hereby declared that the owner of a mine is not absolved from liability to pay damages in respect of a contravention, in relation to the mine, by a person employed by him of—

- (a) a provision of this Act, of an order made thereunder or of regulations; or
- (b) a prohibition, restriction or requirement imposed by a notice served under or by virtue of this Act by<sup>F47</sup> the Executive] or an inspector;

by reason only that the provision contravened was one which expressly imposed on that person or on persons of a class to which, at the time of the contravention, he belonged, a duty or requirement or expressly prohibited that person, or persons of such a class or all persons from doing a specified act or, as the case may be, that the prohibition, restriction or requirement was expressly imposed on that person or that that person was, in pursuance of this Act or regulations, appointed by a person other than the owner.

**F47** SR 1999/150

**138 Liability of parents for unlawful employment of young persons.**

If a young person is employed at a mine in contravention of the provisions of this Act or regulations, the parent of the young person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding<sup>F48</sup> level 2 on the standard scale], unless it appears to the court that the contravention occurred without the consent, connivance or wilful default of the parent.

**F48** 1984 NI 3

*S.139 rep. by SR 1980/333*

**<sup>F49</sup>140 Removal or defacement of notices, &c.**

.....

**F49** S. 140 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*Status: Point in time view as at 01/02/2017.*

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#### 141 Prosecution of offences.

(1) Any offence under [<sup>F50</sup> section 129(1) of] this Act ... <sup>F51</sup> be tried ... <sup>F51</sup> summarily ... <sup>F51</sup>.

*Subs.(2)#(5) rep. by SR 1980/333*

**F50** SR 1980/333

**F51** SR 1980/333

#### 142 Restriction on institution of certain proceedings.

No proceedings for an offence under [<sup>F52</sup> section 129(1) of] this Act shall be instituted against any such person as is mentioned in section 133(1)(a) except by an inspector or by or with the consent of the Ministry or the Attorney General.

**F52** SR 1980/333

#### 143 Duty to report results of proceedings against persons employed at mines.

(1) An owner or manager of a mine by whom are instituted proceedings against a person employed at the mine for an offence under this Act shall, within twenty-one days after the conclusion of the trial of that person for that offence, give to [<sup>F53</sup> the Executive] notice of the result of the trial and shall also, within twenty-one days after the conclusion of any proceedings by way of appeal arising out of the trial, give to [<sup>F53</sup> the Executive] notice of the result of those proceedings.

(2) For the purposes of this section the bringing of proceedings before the High Court to quash a conviction by order of certiorari shall be deemed to be an appeal.

**F53** SR 1999/150

#### 144 Liability of parents for unlawful employment of children.

For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section 1 of the Employment of Women, Young Persons and Children Act 1920 <sup>M1</sup> (which contains provisions that prohibit the employment of children in factories, mines and quarries and, so far as they relate to mines, are incorporated with this Act), the references in section 138 to a young person shall be construed as including references to a child within the meaning of the said section 1.

##### Marginal Citations

**M1** 1920 c. 65

*Status: Point in time view as at 01/02/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)*

## PART XIII

### MISCELLANEOUS AND GENERAL

#### SUPPLEMENTARY PROVISIONS

#### <sup>F54</sup>**145 Division of mines.**

.....

**F54** S. 145 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

#### <sup>F55</sup>**146 Provisions as to references upon notices served by the Ministry.**

.....

**F55** S. 146 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

*S.147 rep. by SLR 1976*

#### <sup>F56</sup>**148 Parliamentary control of orders, rules and regulations.**

.....

**F56** S. 148 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

#### <sup>F57</sup>**149 Mode of service of notices under this Act.**

.....

**F57** S. 149 repealed (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 3](#)

#### **150 Provisions as to exemptions, &c.**

- (1) Any power conferred by this Act or regulations [<sup>F58</sup> or health and safety regulations which expressly apply to all mines, any class of mine or a particular mine] on [<sup>F59</sup> the Executive] or an inspector to grant, give or impose an exemption, consent, approval, authority, direction, requirement, prohibition or restriction or to make a determination shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary or revoke the exemption, consent, approval, authority, direction, requirement, prohibition, restriction or determination.



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- (2) Any exemption, consent, approval or authority granted or given under this Act or regulations [<sup>F58</sup> or such health and safety regulations] by [<sup>F59</sup> the Executive], or by an inspector exercising any function conferred on him under section 120(3), may (subject to any express provision of this Act or regulations [<sup>F58</sup> or such health and safety regulations]) be without limit of period or limited so as to expire on a specified date unless renewed, and may be absolute or conditional.

**F58** SR 1980/333

**F59** SR 1999/150

## 151 Articles certified or approved in Great Britain.

An article of a type for the time being certified or approved by the Minister of Power<sup>F60</sup> for the purposes of the Mines and Quarries Act 1954<sup>M2</sup> or regulations made thereunder shall be treated as certified or approved by [<sup>F61</sup> the Executive] for the purposes of this Act or, as the case may be, regulations, unless [<sup>F61</sup> the Executive], by notice published in the Belfast Gazette and otherwise brought to the notice of persons concerned in such manner as [<sup>F61</sup> the Executive] thinks fit, directs that it shall not be so treated.

**F60** Now S of S, SI 1969/1498; 1970/1537; 1974/692

**F61** SR 1999/150

### Marginal Citations

**M2** 1954 c. 70

*S.152 rep. by SR 1980/333*

*S.153 rep. by SLR 1976*

*S.154 rep. by SR 1980/333*

## 155 Application to the Crown.

This Act shall be binding on the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland.

## INTERPRETATION

### [<sup>F62</sup>156 Meaning of “mine”

- (1) This section defines “mine” for the purposes of this Act.
- (2) “Mine” means an excavation or system of excavations (including all excavations to which a common system of ventilation is provided) made for the purpose of, or in connection with, the extraction, wholly or substantially by means involving persons working below ground, of—
- (a) minerals (in their natural state or in solution or suspension), or
  - (b) mineral products.

*Status: Point in time view as at 01/02/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)*

- (3) A mine is deemed to include so much of the surface (including buildings, structures or works on it) surrounding or adjacent to the shafts or outlets of the mine as is occupied with the mine for the purpose of, or in connection with—
  - (a) working the mine,
  - (b) the storage, treatment or preparation for sale, consumption or use of minerals or mineral products extracted from the mine, or
  - (c) the removal from the mine of minerals or mineral products extracted from it or of refuse from it.
- (4) But a mine is not deemed to include premises in which a manufacturing process is carried on for a purpose other than—
  - (a) working the mine, or
  - (b) the preparation for sale of minerals extracted from the mine.
- (5) Premises used to deposit refuse from a single mine and occupied exclusively by the owner of the mine are deemed to form part of the mine.
- (6) Premises used to deposit refuse from two or more mines and occupied by the owner of one of the mines (either exclusively or jointly with the owner of the other or any of the others) are deemed to form part of whichever of the mines the Executive directs.
- (7) A railway line serving one or more mines, other than a line falling within subsection (3) or belonging to a railway company, is deemed to form part of the mine or (if more than one) of whichever of the mines the Executive directs.
- (8) A conveyor or aerial ropeway provided for the removal from a mine of minerals extracted from it, or of refuse from it, is deemed to form part of the mine.]

**F62** S. 156 substituted (1.2.2017) by [The Mines Regulations \(Northern Ireland\) 2016 \(S.R. 2016/427\)](#), reg. 1(2), [Sch. 5 para. 1\(a\)](#)

## **157 Meaning of “owner”.**

- (1) Subject to the provisions of this section, in this Act the expression “owner” means, in relation to a mine, the person for the time being entitled to work it.
- (2) Where the business of a person who, by virtue of the foregoing provisions of this section is, for the purposes of this Act, to be taken to be owner of a mine is carried on by a liquidator, receiver or manager, or by some other person authorised to carry it on by an order of a court of competent jurisdiction, the liquidator, receiver, manager or other person shall be taken for the purposes of this Act to be an additional owner of the mine.

## **158 General interpretation provisions.**

- (1) In this Act—

*Definition rep. by SR 1981/339*

[<sup>F63</sup> “central rescue station” means a station providing facilities common to a number of mines for the conduct of fire-fighting and rescue operations;]

“contravention” includes, in relation to—

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- (a) a direction, prohibition, restriction or requirement given or imposed by a notice served under or by virtue of this Act by<sup>F64</sup> the Executive] or an inspector; or
- (b) a condition attached to an exemption, consent, approval or authority granted or given under or by virtue of this Act by<sup>F64</sup> the Executive] or by an inspector exercising any function conferred on him under section 120(3); <sup>F65</sup> or
- (c) a prohibition or requirement imposed by or under health and safety regulations which expressly apply to all mines, any class of mine or a particular mine;]

a failure to comply with the direction, prohibition, restriction, requirement or condition, and the expression “contravene” shall be construed accordingly;

<sup>F64</sup>“the Department” means the Department of Economic Development]

“doctor” means a fully registered person within the meaning of<sup>F66</sup> section 55 of the Medical Act 1983];

<sup>F64</sup>“the Executive” means the Health and Safety Executive for Northern Ireland]

“gas” includes fume or vapour;

“gravity operated rope haulage apparatus” means rope haulage apparatus worked solely by the action of gravity on a vehicle or vehicles attached to a rope forming part of the apparatus;

“gravity operated winding apparatus” means winding apparatus worked solely by the action of gravity on a part of it in which a load is carried;

<sup>F65</sup> “health and safety regulations” has the meaning assigned to it by Article 17(1) of the Health and Safety at Work (Northern Ireland) Order 1978 ;]

“inset” means, in relation to shaft or outlet of a mine, a heading, chamber or other space driven or excavated from the shaft or outlet, being a heading, chamber or space to which access can only be had from the shaft or outlet and not being a heading, chamber or space the sole or main purpose of the driving or excavation of which is the getting of minerals or products of minerals;

<sup>F63</sup> “inspector” means an inspector appointed by<sup>F64</sup> the Executive] under Article 21 of the Health and Safety at Work (Northern Ireland) Order 1978 for carrying into effect the provisions of the Act of 1969;]

“legal proceedings” includes arbitration;

“mechanically operated rope haulage apparatus” means rope haulage apparatus worked by a stationary engine;

“mechanically operated winding apparatus” means winding apparatus worked by a stationary engine;

“minerals” includes stone, slate, clay, gravel, sand and other natural deposits except peat;

*Definition rep. by SR 1999/150*

“notice” means a notice in writing;

“parent” means a parent<sup>F67</sup> of a young person or any person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children (Northern Ireland) Order 1995)], and includes, in relation to any young person, a person having direct benefit from his wages;

“permitted lights” means, in relation to a mine or a part of a mine, locked safety-lamps and any other means of lighting the use of which below ground in mines generally, in mines of a class to which that mine belongs or in that mine is authorised by regulations<sup>F68</sup> or health and safety regulations];

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“prescribed” has the meaning assigned to it by section 120(5);  
 “railway company” means any person working a railway that is used for the purposes of public traffic, whether passenger, goods or other traffic;  
 “regulations”, “general regulations” and “special regulations” have, subject to subsection (5) of section 120 the meanings respectively assigned to them by that subsection;  
 “road” does not include an unwalkable outlet;  
 “rope” includes chain;  
 “rope haulage apparatus” means apparatus for transporting loads in vehicles attached to ropes;  
 “safety-lamp mine” means a mine in no part of which below ground is the use of lamps or lights other than permitted lights lawful;  
 “safety-lamp part of a mine” means a part of a mine other than a safety-lamp mine, being a part below ground in which either the use of lamps or lights other than permitted lights is unlawful or safety-lamps are for the time being in use by way of temporary precaution;  
 “sanitary conveniences” includes urinals, water-closets, earth-closets, ash-pits, privies and any similar convenience;  
 “shaft” means a shaft the top of which is, or is intended to be, at the surface;  
 “staple-pit” means a shaft connecting two or more levels of underground working and not connecting any such level directly to the surface, and includes a winze;  
 “statutory responsibilities” means responsibilities under this Act, orders made thereunder and regulations;  
 “support rules” has the meaning assigned to it by section 54(1);  
 “transport rules” has the meaning assigned to it by section 37(1);  
 “unwalkable outlet” means an outlet which, owing to the gradient thereof or of any part thereof (whether alone or in combination with other circumstances), persons cannot walk up with reasonable convenience;  
 “winding apparatus” means, in relation to a mine shaft or staple-pit, apparatus for lowering and raising loads through the shaft or staple-pit;  
 “woman” means a woman who has attained the age of eighteen years;  
 “young person” means a person who is over compulsory school age but has not attained the age of eighteen years.

<sup>F69</sup>(2) .....

(3) For the purposes of this Act—

<sup>F70</sup>(a) a mine shall be treated as being worked at any time when there are persons at work below ground or plant or equipment is in operation at the mine to maintain the safety of that mine or of any other mine or the operation of driving a shaft or outlet is being undertaken at the mine.]

<sup>F71</sup>(b) .....

(4) References in this Act to the use of safety-lamps by way of temporary precaution shall, in relation to a mine, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed below ground in the mine in a place in which the use of naked lights might be dangerous and, in relation to a part of a mine below ground, be construed as references to the occasional or intermittent use of locked safety-lamps by workmen employed in that part in such a place.

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*Status: Point in time view as at 01/02/2017.*

**Changes to legislation:** There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

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- F63** SR 1980/333  
**F64** SR 1999/150  
**F65** SR 1980/333  
**F66** 1983 c. 54  
**F67** 1995 NI 2  
**F68** SR 1991/13  
**F69** S. 158(2) repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**  
**F70** S. 158(3)(a) substituted (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 5 para. 1(b)**  
**F71** S. 158(3)(b) repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**

## 159 Application of Act to training mines.

- (1) For the purposes of this Act an excavation or system of excavations made for training purposes shall be deemed to be a mine, and the use for those purposes of any premises which are a mine as defined by section 156(1) or are, by virtue of this section, deemed to be a mine shall be deemed, for the purposes of this Act, to constitute the working of the mine; but the Ministry may by order direct that this Act shall, in its application to any such premises as aforesaid which are used exclusively for training purposes, have effect subject to such exceptions, adaptations and modifications as may be specified in the order.
- (2) In this section the expression “training purposes” means the purposes of instructing or training below ground persons in, or in any work connected with, mining minerals.

### RELATIONSHIP OF THE OFFICE AND SHOP PREMISES ACT (NORTHERN IRELAND) 1966 AND THIS ACT IN CASE OF CERTAIN PREMISES

## <sup>F72</sup>160 Office and Shop Premises Act to continue to apply to colliery storage premises until appointed day.

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- F72** S. 160 repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), **Sch. 3**

### GENERAL

*S. 161 rep. by 1995 NI 12*

*S.162, with Schedule 4, effects amendments; Subs. (1) rep. by 1983 NI 4*

*S.163, with Schedule 5, effects repeals*

*S.164 rep. by SLR 1976; SR 1980/333*

*Status: Point in time view as at 01/02/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)*

## **165 General savings.**

(1) Nothing in this Act shall affect—

- (a) any special regulation made under an enactment repealed by this Act;
- (b) any order with respect to fees, notification of accidents or the manner in which persons are to be searched, being an order made under an enactment repealed by this Act or by the Coal Mines Act 1911 ;
- (c) any rule made under section 50 of the said Act of 1911; or
- (d) any certificate issued, exemption, consent, approval, permission or authority granted or any other thing done under an enactment repealed by this Act;

but any such regulation, rule or order so made or any certificate, exemption, consent, approval, permission, authority or thing so issued, granted or done shall, if in force at the commencement of this Act and so far as it could have been made, issued, granted or done under this Act, have effect as if it had been so made, issued, granted or done.

(2) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.

(3) Any inquiry or formal investigation under section 11 or 83 of the Coal Mines Act 1911 which is uncompleted at the commencement of this Act may be carried on and completed in all respects as if this Act had not passed.

*Subs.(4) rep. by 1972 NI 16*

## **166 Saving for persons managing certain small mines at commencement of this Act.**

A person who, immediately before the commencement of this Act, is, by virtue of subsection (3) of section 2 of the Coal Mines Act 1911, exercising and performing, in relation to a mine of coal, stratified ironstone, shale or fireclay then exempt from the provisions of that section, the powers and duties conferred and imposed by that Act on the manager of a mine, may be manager of that mine or another mine of coal, stratified ironstone, shale or fireclay at any time at which the number of persons employed below ground in the mine does not exceed thirty and no direction is in force with respect to the mine under subsection (2)( b) or subsection (3) of section 4, notwithstanding that he does not possess the qualifications required by this Act for appointment as manager thereof.

## **167 Saving for common law rights of workmen, &c.**

No provisions of this Act, or any order made thereunder or of regulations shall be construed as derogating from any rule of law with respect to the duties owed by employers to their employees (including, in particular, but without prejudice to the generality of the foregoing words, the duty to provide a safe system of working), and section 1 shall not be construed as derogating from any obligation imposed by or by virtue of any other provision of this Act upon the owner of a mine.

## **168 Commencement.**

*Commencement*

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**Status:** Point in time view as at 01/02/2017.

**Changes to legislation:** There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969. (See end of Document for details)

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**169      Short title.**

This Act may be cited as the Mines Act (Northern Ireland) 1969.

SCHEDULES

Schedules 1, 2 rep. by SR 1980/333

F73SCHEDULE 3

Section 127.

.....

F73

Sch. 3 repealed (1.2.2017) by The Mines Regulations (Northern Ireland) 2016 (S.R. 2016/427), reg. 1(2), Sch. 3

Schedule 4—Amendments

Schedule 5—Repeals



**Status:**

Point in time view as at 01/02/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Mines Act (Northern Ireland) 1969.